

4/

Respondent.

OAH 15 (Rev. 6/84)

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	Case No. 16-97-73684
)	
DONALD R. SCHIEVE, M.D.)	OAH No. N1998080264
1800 Highway 95 th #4)	
Bullhead City, AZ 86442)	
)	
Physician's and Surgeon's)	
Certificate No. C-21402,)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter came on regularly for hearing before Jaime René Román, Administrative Law Judge, Medical Quality Hearing Panel, Office of Administrative Hearings, in Sacramento, California, on October 5, 1998.

Robert Miller, Deputy Attorney General, Health Quality Enforcement Section, represented Petitioner.

Although having been provided notice of the time, date, and place of hearing, Respondent Donald R. Schieve, M.D. ("Respondent") did not appear.

Evidence was received and the matter submitted on October 5, 1998.

FACTUAL FINDINGS

1. On June 22, 1998, Complainant Ronald Joseph, Executive Director of the Medical Board of California ("Board"), brought the Accusation solely in his official capacity.
2. On January 8, 1960, the Board issued Physician's and Surgeon's Certificate No. C-21402 to Respondent. Respondent's license is in full force and effect.

3. At all times relevant, Respondent has been also licensed to practice medicine in:

- A. The State of Nevada, and
- B. The State of Pennsylvania.

4. On December 7, 1996, having previously entered into a Stipulation for Settlement, the Board of Medical Examiners of the State of Nevada issued an Order in a matter entitled *In the Matter of the Complaint Against Donald R. Schieve, M.D.*, Case No. 96-3194-1, disciplining Respondent's license to practice medicine in Nevada (Finding No. 3.A) as follows:

- A. Respondent received a public reprimand,
- B. Respondent's license was revoked, stayed, and placed on probation for five years on, inter alia, the following terms and conditions:
 - (1) He was ordered to refrain from the practice of medicine in the State of Nevada during the probationary period.
 - (2) He was ordered to request to be placed on Inactive Status and to remain on such status during the probationary period.
 - (3) He was ordered to comply with provisions of Nevada law.
- C. Respondent was assessed \$7,500 for costs.

5. The facts and circumstances giving rise to the discipline set forth in Finding No. 4 are that Respondent, an ophthalmologist, had engaged in the medical practice of performing "phenol face peels" at the "World Health Center", in Las Vegas and Laughlin, Nevada, with Ronald Bennett, a person not licensed to practice medicine in Nevada.¹

6. On October 27, 1997, Respondent having failed to appear, the Board of Medicine of the State of Pennsylvania issued an Order in a matter entitled *Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Donald R. Schieve, M.D.*, Docket No. 0241-49-97, revoking Respondent's license to practice medicine in Pennsylvania, for the discipline set forth in Finding Nos. 4 – 5.

7. Respondent having failed to appear, no evidence in mitigation, extenuation or rehabilitation was presented.

8. The Board reasonably paid and incurred costs and fees in the sum of \$577 for the investigation, prosecution, and enforcement of this matter.

¹ The practice of "phenol face peels" bear no relation to Respondent's practice as an ophthalmologist.

LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend the certificate of Respondent for discipline imposed by a sister state jurisdiction pursuant to Business and Professions Code §141 as set forth in Finding Nos. 2, 3.A, and 4 - 5.

2. Cause exists to revoke or suspend the certificate of Respondent for discipline imposed by a sister state jurisdiction pursuant to Business and Professions Code §141 as set forth in Finding Nos. 2, 3.B and 6.


3. Cause exists to direct Respondent to pay \$577 as costs in the investigation, prosecution, or enforcement of this matter pursuant to Business and Professions Code §125.3 as set forth in Finding No. 8 and Legal Conclusions Nos. 1 and 2, and each of them.

ORDER

1. Physician and Surgeon's Certificate No. C-21402 issued to Respondent Donald E. Schieve, M.D., by the Medical Board of California is revoked.

2. Respondent Donald E. Schieve, M.D., Physician and Surgeon's Certificate No. C-21402, shall remit forthwith the sum of \$577 to the Medical Board of California as and for its investigative, prosecution, and enforcement costs.

Dated: October 6, 1998



JAIME RENÉ ROMÁN
Administrative Law Judge
Medical Quality Hearing Panel
Office of Administrative Hearings

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 23 1998
BY Chick Boone ASSOCIATE

1 Donald R. Schieve, M.D. (hereinafter "respondent"), and at all
2 times relevant to the charges brought herein, this license has
3 been in full force and effect. Said certificate is valid with an
4 expiration date of February 28, 1999.

5 JURISDICTION

6 3. This accusation is brought before the Division of
7 Medical Quality of the Medical Board of California, Department of
8 Consumer Affairs (hereinafter the "Division"), under the
9 authority of the following sections of the California Business
10 and Professions Code (hereinafter the "Code"):

11 A. Section 2227 of the Code provides:

12 "(a) A licensee whose matter has been heard by an
13 administrative law judge of the Medical Quality Hearing
14 Panel as designated in Section 11371 of the Government Code,
15 or whose default has been entered, and who is found guilty
16 may, in accordance with the provisions of this chapter:

17 "(1) Have his or her license revoked upon order of the
18 division.

19 "(2) Have his or her right to practice suspended for a
20 period not to exceed one year upon order of the division.

21 "(3) Be placed on probation and be required to pay the
22 costs of probation monitoring upon order of the division.

23 "(4) Be publicly reprimanded by the division.

24 "(5) Have any other action taken in relation to
25 discipline as the division or an administrative law judge
26 may deem proper.

27 ///

1 "(b) Any matter heard pursuant to subdivision (a),
2 except for warning letters, medical review or advisory
3 conferences, or other matters made confidential or
4 privileged by existing law, is deemed public, and shall be
5 made available to the public by the board."

6 B. Section 125.3 of the Code provides, in part, that
7 the Board may request the administrative law judge to direct
8 any licentiate found to have committed a violation or
9 violations of the licensing act, to pay the Board a sum not
10 to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 C. Section 118(b) of the Code provides, in part, that
13 the expiration of a license shall not deprive the Board of
14 jurisdiction to proceed with a disciplinary action during
15 the time within which the license may be renewed, restored,
16 or reinstated.

17 D. Section 2428 of the Code provides, in part, that a
18 license which has expired may be renewed any time within
19 five years after expiration.

20 E. Section 141 of the Code provides:

21 "(a) For any licensee holding a license issued by a
22 board under the jurisdiction of the department, a
23 disciplinary action taken by another state, by any agency of
24 the federal government, or by another country for any act
25 substantially related to the practice regulated by the
26 California license, may be a ground for disciplinary action
27 by the respective state licensing board. A certified copy

1 of the record of the disciplinary action taken against the
2 licensee by another state, an agency of the federal
3 government, or another country shall be conclusive evidence
4 of the events related therein.

5 "(b) Nothing in this section shall preclude a board
6 from applying a specific statutory provision in the
7 licensing act administered by that board that provides for
8 discipline based upon a disciplinary action taken against
9 the licensee by another state, an agency of the federal
10 government, or another country."

11 F. Section 16.01 of the 1997/1998 Budget Act of the
12 State of California provides, in pertinent part, that: (a)
13 no funds appropriated by this act may be expended to pay any
14 Medi-Cal claim for any service performed by a physician
15 while that physician's license is under suspension or
16 revocation due to a disciplinary action of the Medical Board
17 of California; and, (b) no funds appropriated by this act
18 may be expended to pay any Medi-Cal claim for any surgical
19 service or other invasive procedure performed on any Medi-
20 Cal beneficiary by a physician if that physician has been
21 placed on probation due to a disciplinary action of the
22 Medical Board of California related to the performance of
23 that specific service or procedure on any patient, except in
24 any case where the board makes a determination during its
25 disciplinary process that there exist compelling
26 circumstances that warrant continued Medi-Cal reimbursement
27 during the probationary period.

1 FIRST CAUSE FOR DISCIPLINE

2 (Discipline, Restriction, or Limitation Imposed By Another State)

3 4. Respondent Donald R. Schieve, M.D., is subject to
4 disciplinary action under section 141 of the Business and
5 Professions Code in that on or about December 17, 1996, the State
6 of Nevada, Board of Medical Examiners imposed discipline upon
7 respondent's license to practice medicine in that state by
8 issuing a public reprimand to respondent; revoking respondent's
9 license to practice medicine, staying such revocation and placing
10 respondent on five (5) year's probation; placing respondent on
11 inactive status during the term of his probation; and assessing a
12 sum of \$7,500.00 for all administrative expenses incurred in the
13 investigation and hearing preparation process. The circumstances
14 are as follows:

15 A. From a period of about March, 1995 through April
16 and May, 1996, respondent engaged in the medical practice of
17 performing "phenol face peels" together with Mr. Ronald
18 Bennett, an individual not licensed to practice medicine in
19 the state of Nevada. Such conduct included, but was not
20 limited to, changing prescriptions, allowing non-medical
21 personnel to fill in prescriptions, writing prescriptions
22 for controlled substances without establishing a medical
23 reason, i.e., demoral and valium, signing blank prescription
24 forms, not maintaining adequate medical records, altering
25 laboratory results, altering the medical records of
26 patients, and allowing an unlicensed person to practice
27 medicine in his clinic.

1 Attached as Exhibit 1 is a true and correct copy of the
2 Complaint, Stipulation for Settlement and Order from the Nevada
3 Medical Board.

4 5. On or about December 22, 1997, the Board of
5 Medical Examiners of the State of Nevada issued a Findings of
6 Fact, Conclusions of Law and Order wherein respondent's Nevada
7 medical license was revoked, and respondent was ordered not to
8 practice medicine in that state. The Nevada Board revoked
9 respondent's license based upon the following:

10 A. Respondent failed to comply with the provisions of
11 his probation that ordered him to pay an administrative fine
12 in the amount of \$7,500.00. As of the date of the filing of
13 the complaint, August 29, 1997, respondent had only paid
14 \$500.00 of the required amount, and was therefore, in
15 violation of the terms and conditions of his probation.

16 Attached as Exhibit 2 is a true and correct copy of the
17 Findings of Fact, Conclusions of Law and Order from the Nevada
18 Medical Board.

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Discipline, Restriction, or Limitation Imposed By Another State)

21 6. Respondent Donald R. Schieve, M.D., is subject to
22 disciplinary action under section 141 of the Business and
23 Professions Code in that on or about October 27, 1997, the State
24 of Pennsylvania, Department of State, State Board of Medicine
25 imposed discipline upon respondent's license to practice medicine
26 in that state by ordering that respondent's Pennsylvania license
27 be, and is, revoked, effective 20 days from October 27, 1997.

1 Respondent was ordered to relinquish his licensure documents on
2 or before the effective date of the Order to the Pennsylvania
3 Board's counsel.

4 Attached as Exhibit 3 is a true and correct copy of the
5 Adjudication and Order from the Pennsylvania Medical Board.

6 **PRAYER**

7 **WHEREFORE**, the complainant requests that a hearing be
8 held on the matters herein alleged, and that following the
9 hearing, the Division issue a decision:

10 1. Revoking or suspending Physician and Surgeon's
11 Certificate Number C 21402, heretofore issued to respondent
12 Donald R. Schieve, M.D.;

13 2. Revoking, suspending or denying approval of the
14 respondent's authority to supervise physician's assistants,
15 pursuant to Business and Professions Code section 3527;

16 3. Ordering respondent to pay the Division the actual
17 and reasonable costs of the investigation and enforcement of this
18 case and to pay the costs of probation monitoring upon order of
19 the Division; and

20 ///

21 ///

22 ///

23 ///

24 ///


25 ///

26 ///

27 ///

1 4. Taking such other and further action as the
2 Division deems necessary and proper.

3 DATED: June 22, 1998 .

4 
5 *Douglas Lane Deputy Director for*
6

RONALD JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

9 Complainant

10 03573160-SA1998AD0502(cld/98)
11 c:\dat\wp\medboard\accuse\schieve.acc
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

EXHIBIT

1

1 **Before The Board of Medical Examiners**
2 **of The State of Nevada**

3 *****

4
5 **In The Matter of The Complaint**
6 **Against**
7 **Donald R. Schieve, M.D.,**
8 **Respondent.**
9

Case No. 96-3194-1

NO. _____
FILED 11th December 1996
Kathy K. Shauland
EXECUTIVE DIRECTOR

10 **ORDER**

11 DONALD R. SCHIEVE, M.D., hereinafter "**Respondent**", and the Investigative Committee
12 of the Nevada State Board of Medical Examiners having entered into a Stipulation for
13 Settlement in the above entitled matter, a copy of which is attached hereto as Exhibit A, and
14 the Nevada State Board of Medical Examiners, hereinafter "Board", having considered the
15 Stipulation for Settlement in Open Session on the 7th day of December, 1996, in the Opal
16 Meeting Room at the Holiday Inn Las Vegas, 325 East Flamingo Road, Las Vegas, Nevada
17 89109, and said Stipulation for Settlement having been approved by the Board, and the
18 Board having been advised in the Stipulation for Settlement that Respondent waives the
19 requirement for Findings of Fact and Conclusions of Law as provided in NRS 233B.121(5),
20 and good cause appearing, it is hereby ORDERED, that:

21 I.

22 "**Respondent's**" admission that the allegations contained in the complaint constitute
23 grounds for disciplinary action against him, is hereby accepted by the Board. Specifically,
24 "**Respondent**" has admitted that:

25 A. At all times material and relevant to the allegations in the complaint,
26 "**Respondent**" was engaged in the medical practice of performing "phenol face peels"
27 together with Mr. Ronald Bennett, an individual not licensed to practice medicine in the state
28 of Nevada.

1 B. That the conduct alleged in the complaint occurred at the "World Health Center",
2 in Las Vegas, Nevada, and at a facility in Laughlin, Nevada.

3 C. That all allegations contained in the complaint relate to **"Respondent's"** medical
4 practice of "phenol face peels" and have no relationship to his practice as an
5 Ophthalmologist.

6 II.

7 **"Respondent"** shall receive a public reprimand.

8 III.

9 **"Respondent's"** license to practice medicine in the state of Nevada is Revoked.
10 Said revocation is stayed and Respondent is placed on probation for a term of five (5) years
11 upon the following terms and conditions:

12 A. **"Respondent"** shall not engage in the practice of medicine in the state of Nevada
13 during his probationary period.

14 B. **"Respondent"** shall, at the next bi-ennial licensing, which is July 1, 1997, request
15 he be placed on Inactive Status in the state of Nevada, and remain on Inactive Status during
16 the term of his probation.

17 C. **"Respondent"** shall comply with all the provisions of Chapter 630 of the Nevada
18 Revised Statutes during the term of his probation.

19 IV.

20 **"Respondent"** is assessed the sum of SEVEN THOUSAND FIVE HUNDRED
21 DOLLARS (\$7,500.00) as and for all administrative expenses incurred in the investigation
22 and hearing preparation process, to be paid in full, on the date of this Order.

23 V.

24 In the event **"Respondent"** violates or fails to comply with any of the terms or
25 conditions of probation, the Board, after providing notice to Respondent and an opportunity
26 to be heard, may terminate probation, lift the stay of Respondent's revocation, and the
27 revocation of Respondent's license to practice medicine in the state of Nevada may be made
28 immediately effective.

1
2 DATED this 7th day of December, 1996.
3

4 NEVADA STATE BOARD OF MEDICAL EXAMINERS
5

6 
7 SUSAN S. BUCHWALD, M.D.
8 President
9

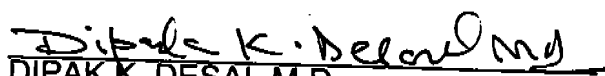
10 CERTIFICATION

11 I HEREBY CERTIFY that the foregoing is a full, true, and correct original ORDER on
12 file and of record in the office of the Board of Medical Examiners, in the matter of the
13 Complaint against DONALD R. SCHIEVE, M.D.

14 I FURTHER CERTIFY that Susan S. Buchwald, M.D., is the President of the Nevada
15 State Board of Medical Examiners, and that full force and credit is due to her official acts as
16 such; that the signature to the foregoing ORDER is the genuine signature of the said Susan
17 S. Buchwald, M.D.

18 IN WITNESS WHEREOF, I hereunto set my hand in my official capacity as Secretary-
19 Treasurer of the Nevada State Board of Medical examiners.

20 DATED this 7th day of December, 1996.
21

22 
23 DIPAK K. DESAI, M.D.
24 Secretary-Treasurer
25 Nevada State Board of
26 Medical Examiners
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**Before The Board of Medical Examiners
of The State of Nevada**

**In The Matter of The Complaint
Against
Donald R. Schieve, M.D.,
Respondent.**

Case No. 96-3194-1

NO.

FILED

16th December 1996

Kathy K. Shapland
FOREXECUTIVE DIRECTOR

STIPULATION FOR SETTLEMENT

IT IS HEREBY STIPULATED by and between the parties to the above-entitled matter,
as follows:

1. Respondent, DONALD R. SCHIEVE, M.D., (hereinafter "**Respondent**"), at all relevant times, was licensed by the Nevada State Board of Medical Examiners to practice medicine in the state of Nevada.

2. On or about September 25 , 1996, a Complaint - Case No. 96-3194-1 was filed against Respondent. The Complaint, incorporated herein by reference, contained a total of Thirty-Six (36) counts.

3. "**Respondent**" has reviewed the complaint and has received the legal advice of his attorneys, ALFRED H. OSBORNE and JOHN OHLSON.

4. "**Respondent**" is aware of the allegations contained in the complaint and understands the charges filed against him in this matter.

5. "**Respondent**" is aware of his rights under Chapters 630 and 233B of Nevada Revised Statutes, including the right to a formal hearing and opportunity to defend against the charges contained therein, and the right to file a petition for judicial review with the District Court in the state of Nevada for a review of any adverse decision that might be rendered following a hearing and subsequent appeals therefrom.

1 6. *"Respondent"* knowingly and intelligently, and with the advice of his attorneys,
2 ALFRED H. OSBORNE and JOHN OHLSON, waives his rights to a hearing, an appeal and
3 any other rights that may be accorded him under Chapters 630 and 233B of Nevada Revised
4 Statutes. Further, it is stipulated between Respondent and Board that pursuant to the
5 provisions of NRS 233B.121, the parties waive the requirement for findings of fact and
6 conclusions of law.

7 7. *"Respondent"* understands that the Board is prepared to proceed to hearing on
8 the merits of the Complaint, and that the hearing is currently set to commence on December
9 4, 1996, before a hearing officer, in the Sawyer Office Building, conference room, Las
10 Vegas, Nevada, and to continue until completed.

11 8. *"Respondent"* understands that if the Board finds that a violation has occurred,
12 the Board may order any or all of the sanctions as set out in NRS 630.352(3), and impose
13 discipline against him in accordance therewith.

14 9. In order to resolve this matter, *"Respondent"* is entering into this Stipulation and
15 waiving formal findings of fact and conclusions of law. This stipulation, however, is not
16 deemed to be an admission by either *"Respondent"* or the Board as to the merits of the
17 position of *"Respondent"* or the Board on any of the allegations contained in the complaint
18 on file in this administrative proceeding.

19 10. *"Respondent"* acknowledges that the allegations contained in the complaint
20 constitute grounds for disciplinary action against him under Chapter 630 of the Nevada
21 Revised Statutes and *"Respondent"* hereby stipulates and agrees that:

22 A. At all times material and relevant to the allegations in the complaint on file
23 in this matter, *"Respondent"* was engaged in the medical practice of performing "phenol
24 face peels" together with Mr. Ronald Bennett, an individual not licensed to practice medicine
25 in the state of Nevada.

26 B. That all allegations with respect to *"Respondent's"* conduct as set out
27 hereinabove, occurred at a business location known as "World Health Center", which
28

1 business had an office in Las Vegas, Nevada, and operated at a facility in Laughlin, Nevada.

2 C. That all allegations in the complaint are limited to and include
3 "**Respondent's**" conduct only at the above locations, in relation to the medical practice of
4 "phenol face peels", and have no relationship to "**Respondent's**" practice as an
5 Ophthalmologist.

6 11. The Investigative Committee is informed and advised that "**Respondent**" is no
7 longer engaged in the medical practice of "phenol face peels" in the state of Nevada or
8 elsewhere, and the Investigative Committee is informed and advised that Respondent has
9 no desire at the present time, nor in the future to practice medicine in the state of Nevada
10 and, as a part of this settlement will be no longer practicing medicine in the state of Nevada.
11 The Investigative Committee recommends no further formal statutory sanction other than
12 that contained herein be imposed.

13 12. "**Respondent**" is aware that the Nevada State Board of Medical Examiners may
14 or may not approve this stipulation. This Stipulation will be considered by the Board in open
15 session. In the event that this Stipulation is not accepted by the Board, this Stipulation shall
16 be null and void.

17 13. The hearing set in this matter to commence on December 4, 1996, is hereby
18 stipulated to be vacated. If this Stipulation is not accepted by the Board, the complaint
19 pending against Respondent - Case No. 96-3914-1 - will proceed to hearing as soon as it
20 can be re-set.

21 WHEREFORE, it is stipulated that the Nevada State Board of Medical Examiners
22 may, without the necessity of formal findings of fact and conclusions of law, which were
23 specifically waived by "**Respondent**" and the Board, issue the following Order.

- 24 1. Revoke "**Respondent's**" license to practice medicine in the state of Nevada.
25 2. Issue "**Respondent**" a public reprimand.
26 3. Enter a further order staying the Revocation of "**Respondent's**" license to practice
27 medicine in the state of Nevada and place "**Respondent**" on probation for a period of five
28

702-686-6631

1 (5) years, on the following terms and conditions:

2 A. That "Respondent" not engage in the practice of medicine in the state of
3 Nevada during his probationary period.

4 B. That "Respondent" at the next bi-ennial licensing, which is July 1, 1997,
5 request he be placed on Inactive Status in the state of Nevada, and remain on Inactive
6 Status during the term of his probation.

7 C. That "Respondent" comply with all the provisions of Chapter 630 of the
8 Nevada Revised Statutes during the term of his probation.

9 4. Assess Respondent the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS
10 (\$7,500.00) as and for all administrative expenses incurred in the investigation and hearing
11 preparation process, to be paid in full, upon approval of this stipulation by the Board.

12 5. In the event Respondent violates or fails to comply with any of the terms or
13 conditions of probation, the Board, after providing notice to Respondent and an opportunity
14 to be heard, may terminate probation, lift the stay of Respondent's revocation, and the
15 revocation of Respondent's license to practice medicine in the state of Nevada may be made
16 immediately effective.

17 The undersigned have read and approved the foregoing Stipulation and Settlement
18 this 6th day of December, 1996.

19
20 INVESTIGATIVE COMMITTEE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

21
22 By: Dipak K. Desai M.D.
23 DIPAK K. DESAI, M. D.
Chairman

24 Donald R. Schieve M.D.
25 DONALD R. SCHIEVE, M.D.,
26 Respondent
27
28

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 OF THE STATE OF NEVADA

3 * * *

4 IN THE MATTER OF THE COMPLAINT)

5 AGAINST)

6 DONALD R. SCHIEVE, M.D.)

7 RESPONDENT.)

Case No. 96-3194-1
NO.

FILED 25 September 1996

Harry R. Hardy
EXECUTIVE DIRECTOR

8
9 COMPLAINT

10 Pursuant to the provisions of chapter 630 of the Nevada
11 Revised Statutes, and by virtue of the authority vested in it
12 by said chapter, the Investigative Committee of the Board of
13 Medical Examiners of the State of Nevada, composed of Rex T.
14 Baggett, M.D.; Paul A. Stewart, M.D. and Mr. Victor
15 Scaramosino, having a reasonable basis to believe that DONALD
16 R. SCHIEVE, M.D., hereinafter referred to as "Respondent", has
17 violated the provisions of said chapter, hereby issues its
18 formal Complaint, stating the Investigative Committee's
19 charges and allegations, as follows:

20 1. That Respondent is licensed in active status to
21 practice medicine in the state of Nevada, and at all times
22 alleged herein, was so licensed by the Board of Medical
23 Examiners of the State of Nevada.

24 2. That NRS 630.304(4) provides that signing a blank
25 prescription form constitutes grounds for initiating
26 disciplinary action against a licensee.

27 3. That NRS 630.306(2)(a) provides that engaging in any
28 conduct which is intended to deceive constitutes grounds for

1 initiating disciplinary action against a licensee.

2 4. That NRS 630.3062(1) provides that failure to
3 maintain medical records relating to the diagnosis, treatment
4 and care of a patient constitutes grounds for initiating
5 disciplinary action against a licensee.

6 5. That NRS 630.3062(2) provides that altering medical
7 records of a patient constitutes grounds for initiating
8 disciplinary action against a licensee.

9 6. That NRS 630.306(2)(b) provides that engaging in any
10 conduct which the board has determined is a violation of the
11 standards of practice established by regulation of the board
12 constitutes grounds for initiating disciplinary action against
13 a licensee.

14 7. That NAC 630.230(1)(a) provides that a physician
15 shall not falsify records of health care.

16 8. That NAC 630.230(1)(f) provides that a physician
17 shall not write a prescription for controlled substances for
18 any person without an appropriate examination which confirms
19 the medical necessity for the controlled substances.

20 9. That NAC 630.230(1)(e) provides that a physician
21 shall not acquire any controlled substances from any pharmacy
22 or other source by misrepresentation, fraud, deception or
23 subterfuge.

24 10. That NRS 630.305(5) provides that aiding, assisting,
25 employing or advising, directly or indirectly, any unlicensed
26 person to engage in the practice of medicine contrary to the

1 provisions of this chapter or the regulations of the board
2 constitutes grounds for initiating disciplinary action against
3 a licensee.

4 11. That NRS 630.020(1), (2), and (3) define the
5 "practice of medicine" to mean to diagnose, treat, correct,
6 prevent or prescribe for any human disease, ailment, injury,
7 infirmity, deformity or other condition, physical or mental,
8 by any means or instrumentality; to apply principles or
9 techniques of medical science in the diagnosis or the
10 prevention of any such conditions; or, to offer, undertake,
11 attempt to do or hold oneself out as able to do any of the
12 acts described above.

13 12. That NRS 630.306(5) provides that performing
14 services which the licensee knows or has reason to know that
15 he is not competent to perform constitutes grounds for
16 initiating disciplinary action against a licensee.

17 COUNT ONE

18 13. The allegations set forth in paragraphs 1 through 12
19 are incorporated herein as if set out in full.

20 14. That a prescription dated 3/29/95 was written in the
21 name of Sara Elrod, 1995 W. Casino Dr., Laughlin, Nv. 89209,
22 for synthroid, 50mg #100, as directed, said prescription being
23 filled on 3/30/95, as # 6620211.

24 15. That the handwriting contained thereon as the
25 signature of "D.R. Schieve", is the handwriting of Respondent.

26 16. That the remainder of the handwriting contained on

1 the prescription blank is in handwriting of a person or
2 persons other than "D.R. Schieve", Respondent.

3 17. It is alleged upon information and belief that some,
4 if not all, of the remaining handwriting contained on the
5 prescription blank is in the handwriting of a person
6 identified as Ronald Bennett.

7 18. That Respondent's conduct as described herein
8 constitutes a violation of NRS 630.304(4).

9 COUNT TWO

10 19. The allegations set forth in paragraphs 1 through 18
11 are incorporated herein as if set out in full.

12 20. It is alleged upon information and belief that some,
13 if not all, of the handwriting on the prescription as set out
14 in Count One above, with the exception of the signature "D.R.
15 Schieve", was in the handwriting of Ronald Bennett.

16 21. That Respondent knew or should have known that
17 Ronald Bennett, a person who held himself out as "Dr. Ronald
18 Bennett", who was physically present at the World Health
19 Center, Inc., 1955 W. Casino Dr., Suite 107, Laughlin, Nevada
20 89209, who had business cards identical to those of
21 Respondent, except the business card of Ronald Bennett read
22 "Dr. Ronald Bennett", was holding himself out as a medical
23 doctor and was perceived as such by the staff and patients of
24 the World Health Center.

25 22. That Respondent knew or should have known that
26 Ronald Bennett, aka "Dr. Ronald Bennett", would act in the

1 capacity of a medical doctor and prescribe for patients and
2 employees of the World Health Center.

3 23. That Respondent's conduct as described herein
4 constitutes a violation of NRS 630.305(5).

5 COUNT THREE

6 24. The allegations set forth in paragraphs 1 through 23
7 are incorporated herein as if set out in full.

8 25. That a prescription dated 3/30/95 was written in the
9 name of Sara Elrod, 1995 W. Casino Dr., Laughlin, Nv., for
10 premarin .9 mg. 1 tab daily, said prescription being filled on
11 5/08/95, as # 6621937.

12 26. That the handwriting contained thereon as the
13 signature of "D.R. Schieve", is the handwriting of Respondent.

14 27. That the remainder of the handwriting contained on
15 the prescription blank is in handwriting of a person or
16 persons other than "D.R. Schieve", Respondent.

17 28. It is alleged upon information and belief that some,
18 if not all, of the remaining handwriting contained on the
19 prescription blank is in the handwriting of a person
20 identified as Ronald Bennett.

21 29. That Respondent's conduct as described herein
22 constitutes a violation of NRS 630.304(4).

23 COUNT FOUR

24 30. The allegations set forth in paragraphs 1 through 29
25 are incorporated herein as if set out in full.

26 31. It is alleged upon information and belief that some,

1 if not all, of the handwriting on the prescription as set out
2 in Count Three above, with the exception of the signature
3 "D.R. Schieve", was in the handwriting of Ronald Bennett.

4 32. That Respondent knew or should have known that
5 Ronald Bennett, a person who held himself out as "Dr. Ronald
6 Bennett", who was physically present at the World Health
7 Center, Inc., 1955 W. Casino Dr., Suite 107, Laughlin, Nevada
8 89209, who had business cards identical to those of
9 Respondent, except the business card of Ronald Bennett read
10 "Dr. Ronald Bennett", was holding himself out as a medical
11 doctor and was perceived as such by the staff and patients of
12 the World Health Center.

13 33. That Respondent knew or should have known that
14 Ronald Bennett, aka "Dr. Ronald Bennett", would act in the
15 capacity of a medical doctor and prescribe for patients and
16 employees of the World Health Center.

17 34. That Respondent's conduct as described herein
18 constitutes a violation of NRS 630.305(5).

19 COUNT FIVE

20 35. The allegations set forth in paragraphs 1 through 34
21 are incorporated herein as if set out in full.

22 36. That on 4/6/96 a prescription was written by
23 Respondent for Ronald Bennett for Valium.

24 37. That said prescription was refilled four (4) times.

25 38. That Valium is a controlled substance.

26 39. That it is alleged upon information and belief that

1 Ronald Bennett was not a patient of Respondent, and that
2 Respondent did not maintain medical records on Ronald Bennett.

3 40. That Respondent's conduct as described herein is a
4 violation of NRS 630.306(2)(b), and NAC 630.230(1)(f).

5 COUNT SIX

6 41. The allegations set forth in paragraphs 1 through 40
7 are incorporated herein as if set out in full.

8 42. That the conduct as described in Count Five above
9 constitutes a violation of NRS 630.3062(1).

10 COUNT SEVEN

11 43. The allegations set forth in paragraphs 1 through 42
12 are incorporated herein as if set out in full.

13 44. That on 8/2/95, a prescription was written for
14 Elaine Marks for Demerol.

15 45. That Demerol is a controlled substance.

16 46. That it is alleged upon information and belief that
17 Elaine Marks was not a patient of Respondent, and that
18 Respondent did not maintain medical records on Elaine Marks.

19 47. That Respondent's conduct as described herein is a
20 violation of NRS 630.306(2)(b), and NAC 630.230(1)(f).

21 COUNT EIGHT

22 48. The allegations set forth in paragraphs 1 through 47
23 are incorporated herein as if set out in full.

24 49. That the conduct as described in Count Seven above
25 constitutes a violation of NRS 630.3062(1).

26 /////

1 are incorporated herein as if set out in full.

2 58. That one (1) of the prescriptions written for
3 Patient "A" as alleged in Count Nine above, was filled on a
4 blank prescription form signed in blank by Respondent.

5 59. That said signing of a prescription form in blank is
6 a violation of NRS 630.304(4).

7 COUNT TWELVE

8 60. The allegations set forth in paragraphs 1 through 59
9 are incorporated herein as if set out in full.

10 61. That during the month of May, 1995, Patient "B" was
11 a patient at the World Health Center, 1955 W. Casino Dr.,
12 Laughlin, Nevada.

13 62. That on or about July 21, 1995, at a time when
14 Patient "B" was not a patient at the World Health Center, 1955
15 W. Casino Dr., Laughlin, Nevada, prescriptions for controlled
16 substances for Patient "B" were filled at Osco Drug, Bullhead
17 City, Arizona, said prescriptions having been ordered by
18 Respondent.

19 63. That said prescriptions represented that Patient "B"
20 had an address of 1955 W. Casino Drive, Laughlin, Nevada,
21 which is the address of the World Health Center.

22 64. That the ordering of prescriptions for Patient "B"
23 as alleged herein was a violation of NRS 630.306(2)(b) and NAC
24 630.230(1)(e).

25 COUNT THIRTEEN

26 65. The allegations set forth in paragraphs 1 through 64

1 are incorporated herein as if set out in full.

2 66. That the ordering of prescriptions for Patient "B"
3 as alleged in Count Twelve above constitutes a violation of
4 NRS 630.306(2)(a), engaging in conduct intended to deceive.

5 COUNT FOURTEEN

6 67. The allegations set forth in paragraphs 1 through 66
7 are incorporated herein as if set out in full.

8 68. That one (1) of the prescriptions written for
9 Patient "B" as alleged in Count Twelve above, was filled on a
10 blank prescription form signed in blank by Respondent.

11 69. That said signing of a prescription form in blank is
12 a violation of NRS 630.304(4).

13 COUNT FIFTEEN

14 70. The allegations set forth in paragraphs 1 through 69
15 are incorporated herein as if set out in full.

16 71. That during the month of January, 1996, Patient "C"
17 was a patient at the World Health Center, 1955 W. Casino Dr.,
18 Laughlin, Nevada.

19 72. That the medical records maintained at the World
20 Health Center for Patient "C", concerning laboratory results
21 at Sierra Nevada Laboratories, Inc., on Patient "C" have been
22 altered by whiting out what appears to be the name "Bennett"
23 on said test results.

24 73. That it is alleged upon information and belief
25 Respondent knew or should have known the alterations occurred,
26 as Respondent is responsible for the medical records at the

1 World Health Center, and/or the alterations were made by
2 Respondent or at the direction and approval of Respondent.

3 74. That said altering of the medical records of Patient
4 "C" constitutes a violation of NRS 630.3062(2).

5 COUNT SIXTEEN

6 75. The allegations set forth in paragraphs 1 through 74
7 are incorporated herein as if set out in full.

8 76. That said altering of the medical records of Patient
9 "C" as alleged in Count Fifteen above, constitutes a violation
10 of NRS 630.306(2)(a), engaging in conduct intended to deceive.

11 COUNT SEVENTEEN

12 77. The allegation set forth in paragraphs 1 through 76
13 are incorporated herein as if set out in full.

14 78. That during the month of February, 1996, Patient "D"
15 was a patient at the World Health Center, 1955 W. Casino Dr.,
16 Laughlin, Nevada.

17 79. That the medical records maintained at the World
18 Health Center for Patient "D", concerning laboratory results
19 at Sierra Nevada Laboratories, Inc., on Patient "D" have been
20 altered by whiting out what appears to be the name "Bennett"
21 on said test results.

22 80. That it is alleged upon information and belief
23 Respondent knew or should have known the alterations occurred,
24 as Respondent is responsible for the medical records at the
25 World Health Center, and/or the alterations were made by
26 Respondent or at the direction and approval of Respondent.

1 81. That said altering of the medical records of Patient
2 "D" constitutes a violation of NRS 630.3062(2).

3 COUNT EIGHTEEN

4 82. The allegations set forth in paragraphs 1 through 81
5 are incorporated herein as if set out in full.

6 83. That said altering of the medical records of Patient
7 "D" as alleged in Count Seventeen above, constitutes a
8 violation of NRS 630.306(2)(a), engaging in conduct intended
9 to deceive.

10 COUNT NINETEEN

11 84. The allegations set forth in paragraphs 1 through 83
12 are incorporated herein as if set out in full.

13 85. That during the month of February, 1996, Patient "E"
14 was a patient at the World Health Center, 1955 W. Casino Dr.,
15 Laughlin, Nevada.

16 86. That the medical records maintained at the World
17 Health Center for Patient "E", concerning laboratory results
18 at Sierra Nevada Laboratories, Inc., on Patient "E" have been
19 altered by whiting out what appears to be the name "Bennett"
20 on said test results.

21 87. That it is alleged upon information and belief
22 Respondent knew or should have known the alterations occurred,
23 as Respondent is responsible for the medical records at the
24 World Health Center, and/or the alterations were made by
25 Respondent or at the direction and approval of Respondent.

26 88. That said altering of the medical records of Patient

1 "E" constitutes a violation of NRS 630.3062(2).

2 COUNT TWENTY

3 89. The allegations set forth in paragraphs 1 through 88
4 are incorporated herein as if set out in full.

5 90. That said altering of the medical records of Patient
6 "E" as alleged in Count Nineteen above, constitutes a
7 violation of NRS 630.306(2)(a), engaging in conduct intended
8 to deceive.

9 COUNT TWENTY-ONE

10 91. The allegations set forth in paragraphs 1 through 90
11 are incorporated herein as if set out in full.

12 92. That during the month of January, 1996, Patient "F"
13 was a patient at the World Health Center, 1955 W. Casino Dr.,
14 Laughlin, Nevada.

15 93. That the medical records maintained at the World
16 Health Center for Patient "F", concerning laboratory results
17 at Sierra Nevada Laboratories, Inc., on Patient "F" have been
18 altered by whiting out what appears to be the name "Bennett"
19 on said test results.

20 94. That it is alleged upon information and belief
21 Respondent knew or should have known the alterations occurred,
22 as Respondent is responsible for the medical records at the
23 World Health Center, and/or the alterations were made by
24 Respondent or at the direction and approval of Respondent.

25 95. That said altering of the medical records of Patient
26 "F" constitutes a violation of NRS 630.3062(2).

1 COUNT TWENTY-TWO

2 96. The allegations set forth in paragraphs 1 through 95
3 are incorporated herein as if set out in full.

4 97. That said altering of the medical records of Patient
5 "K" as alleged in Count Twenty-One above, constitutes a
6 violation of NRS 630.306(2)(a), engaging in conduct intended
7 to deceive.

8 COUNT TWENTY-THREE

9 98. The allegations set forth in paragraphs 1 through 97
10 are incorporated herein as if set out in full.

11 99. That during the months of January and February,
12 1996, Patient "G" was a patient at the World Health Center,
13 1955 W. Casino Dr., Laughlin, Nevada.

14 100. That the medical records maintained at the World
15 Health Center for Patient "G", concerning laboratory results
16 at Sierra Nevada Laboratories, Inc., on Patient "G" have been
17 altered by whiting out what appears to be the name "Bennett"
18 on said test results.

19 101. That it is alleged upon information and belief
20 Respondent knew or should have known the alterations occurred,
21 as Respondent is responsible for the medical records at the
22 World Health Center, and/or the alterations were made by
23 Respondent or at the direction and approval of Respondent.

24 102. That said altering of the medical records of
25 Patient "G" constitutes a violation of NRS 630.3062(2).

26 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT TWENTY-FOUR

103. The allegations set forth in paragraphs 1 through 102 are incorporated herein as if set out in full.

104. That said altering of the medical records of Patient "G" as alleged in Count Twenty-Three above, constitutes a violation of NRS 630.306(2)(a), engaging in conduct intended to deceive.

COUNT TWENTY-FIVE

105. The allegations set forth in paragraphs 1 through 104 are incorporated herein as if set out in full.

106. That during the month of January, 1996, Patient "H" was a patient at the World Health Center, 1955 W. Casino Dr., Laughlin, Nevada.

107. That the medical records maintained at the World Health Center for Patient "H", concerning laboratory results at Sierra Nevada Laboratories, Inc., on Patient "H" have been altered by whitening out what appears to be the name "Bennett" on said test results.

108. That it is alleged upon information and belief Respondent knew or should have known the alterations occurred, as Respondent is responsible for the medical records at the World Health Center, and/or the alterations were made by Respondent or at the direction and approval of Respondent.

109. That said altering of the medical records of Patient "H" constitutes a violation of NRS 630.3062(2).

////////

1 COUNT TWENTY-SIX

2 110. The allegations set forth in paragraphs 1 through
3 109 are incorporated herein as if set out in full.

4 111. That said altering of the medical records of
5 Patient "H" as alleged in Count Twenty-Five above, constitutes
6 a violation of NRS 630.306(2)(a), engaging in conduct intended
7 to deceive.

8 COUNT TWENTY-SEVEN

9 112. The allegations set forth in paragraphs 1 through
10 111 are incorporated herein as if set out in full.

11 113. That during the month of February, 1996, Patient
12 "I" was a patient at the World Health Center, 1955 W. Casino
13 Dr., Laughlin, Nevada.

14 114. That the medical records maintained at the World
15 Health Center for Patient "I", concerning laboratory results
16 at Sierra Nevada Laboratories, Inc., on Patient "I" have been
17 altered by whiting out what appears to be the name "Bennett"
18 on said test results.

19 115. That it is alleged upon information and belief
20 Respondent knew or should have known the alterations occurred,
21 as Respondent is responsible for the medical records at the
22 World Health Center, and/or the alterations were made by
23 Respondent or at the direction and approval of Respondent.

24 116. That said altering of the medical records of
25 Patient "I" constitutes a violation of NRS 630.3062(2).

26 COUNT TWENTY-EIGHT

27 117. The allegations set forth in paragraphs 1 through
28

1 116 are incorporated herein as if set out in full.

2 118. That said altering of the medical records of
3 Patient "I" as alleged in Count Twenty-Seven above,
4 constitutes a violation of NRS 630.306(2)(a), engaging in
5 conduct intended to deceive.

6 COUNT TWENTY-NINE

7 119. The allegations set forth in paragraphs 1 through
8 118 are incorporated herein as if set out in full.

9 120. That while Patient "A" was a patient at The World
10 Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during
11 the months of August, 1995, and March, 1996, an individual by
12 the name of Ronald Bennett, aka, Dr. Ronald Bennett, practiced
13 medicine on Patient "A".

14 121. That Ronald Bennett, aka, Dr. Ronald Bennett, was
15 a member of the staff of the World Health Center, 1955 W.
16 Casino Dr., Laughlin, Nevada.

17 122. That the practice of medicine on Patient "A" by
18 Ronald Bennett, aka, Dr. Ronald Bennett, was done in the
19 presence of and with the knowledge and consent of Respondent.

20 123. That Ronald Bennett, aka, Dr. Ronald Bennett, was
21 not, is not, and has never been, licensed to practice medicine
22 in the state of Nevada, and Respondent knew or should have
23 known that Ronald Bennett, aka, Dr. Ronald Bennett was not
24 licensed to practice medicine in the state of Nevada.

25 124. That Respondent as well as Patient "A", as well as
26 members of the staff of World Health Center, 1955 W. Casino

1 Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr.
2 Ronald Bennett, as "Doctor Bennett".

3 125. That Respondent's conduct as described herein
4 constitutes violation of NRS 630.305(5).

5 COUNT THIRTY

6 126. The allegations set forth in paragraphs 1 through
7 125 are incorporated herein as if set out in full.

8 127. That while Patient "J" was a patient at The World
9 Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during
10 the month of October, 1995, an individual by the name of
11 Ronald Bennett, aka, Dr. Ronald Bennett, practiced medicine on
12 Patient "J".

13 128. That Ronald Bennett, aka, Dr. Ronald Bennett, was
14 a member of the staff of the World Health Center, 1955 W.
15 Casino Dr., Laughlin, Nevada.

16 129. That the practice of medicine on Patient "J" by
17 Ronald Bennett, aka, Dr. Ronald Bennett, was done in the
18 presence of and with the knowledge and consent of Respondent.

19 130. That Ronald Bennett, aka, Dr. Ronald Bennett, was
20 not, is not, and has never been, licensed to practice medicine
21 in the state of Nevada, and Respondent knew or should have
22 known that Ronald Bennett, aka, Dr. Ronald Bennett was not
23 licensed to practice medicine in the state of Nevada.

24 131. That Respondent as well as Patient "J", as well as
25 members of the staff of World Health Center, 1955 W. Casino
26 Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr.

1 Ronald Bennett, as "Doctor Bennett".

2 132. That Respondent's conduct as described herein
3 constitutes violation of NRS 630.305(5).

4 COUNT THIRTY-ONE

5 133. The allegations set forth in paragraphs 1 through
6 132 are incorporated herein as if set out in full.

7 134. That while Patient "K" was a patient at The World
8 Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during
9 the month of October, 1995, an individual by the name of
10 Ronald Bennett, aka, Dr. Ronald Bennett, practiced medicine on
11 Patient "K".

12 135. That Ronald Bennett, aka, Dr. Ronald Bennett, was
13 a member of the staff of the World Health Center, 1955 W.
14 Casino Dr., Laughlin, Nevada

15 136. That the practice of medicine on Patient "K" by
16 Ronald Bennett, aka, Dr. Ronald Bennett, was done in the
17 presence of and with the knowledge and consent of Respondent.

18 137. That Ronald Bennett, aka, Dr. Ronald Bennett, was
19 not, is not, and has never been, licensed to practice medicine
20 in the state of Nevada, and Respondent knew or should have
21 known that Ronald Bennett, aka, Dr. Ronald Bennett was not
22 licensed to practice medicine in the state of Nevada.

23 138. That Respondent as well as Patient "K", as well as
24 members of the staff of World Health Center, 1955 W. Casino
25 Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr.
26 Ronald Bennett, as "Doctor Bennett".

1 139. That Respondent's conduct as described herein
2 constitutes violation of NRS 630.305(5).

3 COUNT THIRTY-TWO

4 140. The allegations set forth in paragraphs 1 through
5 139 are incorporated herein as if set out in full.

6 141. That while Patient "L" was a patient at The World
7 Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during
8 the months of November, 1995, an individual by the name of
9 Ronald Bennett, aka, Dr. Ronald Bennett, practiced medicine on
10 Patient "L".

11 142. That Ronald Bennett, aka, Dr. Ronald Bennett, was
12 a member of the staff of the World Health Center, 1955 W.
13 Casino Dr., Laughlin, Nevada.

14 143. That the practice of medicine on Patient "L" by
15 Ronald Bennett, aka, Dr. Ronald Bennett, was done in the
16 presence of and with the knowledge and consent of Respondent.

17 144. That Ronald Bennett, aka, Dr. Ronald Bennett, was
18 not, is not, and has never been, licensed to practice medicine
19 in the state of Nevada, and Respondent knew or should have
20 known that Ronald Bennett, aka, Dr. Ronald Bennett was not
21 licensed to practice medicine in the state of Nevada.

22 145. That Respondent as well as Patient "L", as well as
23 members of the staff of World Health Center, 1955 W. Casino
24 Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr.
25 Ronald Bennett, as "Doctor Bennett".

26 146. That Respondent's conduct as described herein

1 constitutes violation of NRS 630.305(5).

2 COUNT THIRTY-THREE

3 147. The allegations set forth in paragraphs 1 through
4 146 are incorporated herein as if set out in full.

5 148. That while Patient "M" was a patient at The World
6 Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during
7 the months of November and December, 1995, an individual by
8 the name of Ronald Bennett, aka, Dr. Ronald Bennett, practiced
9 medicine on Patient "M".

10 149. That Ronald Bennett, aka, Dr. Ronald Bennett, was
11 a member of the staff of the World Health Center, 1955 W.
12 Casino Dr., Laughlin, Nevada.

13 150. That the practice of medicine on Patient "M" by
14 Ronald Bennett, aka, Dr. Ronald Bennett, was done in the
15 presence of and with the knowledge and consent of Respondent.

16 151. That Ronald Bennett, aka, Dr. Ronald Bennett, was
17 not, is not, and has never been, licensed to practice medicine
18 in the state of Nevada, and Respondent knew or should have
19 known that Ronald Bennett, aka, Dr. Ronald Bennett was not
20 licensed to practice medicine in the state of Nevada.

21 152. That Respondent as well as Patient "M", as well as
22 members of the staff of World Health Center, 1955 W. Casino
23 Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr.
24 Ronald Bennett, as "Doctor Bennett".

25 153. That Respondent's conduct as described herein
26 constitutes violation of NRS 630.305(5).

COUNT THIRTY-FOUR

154. The allegations set forth in paragraphs 1 through 153 are incorporated herein as if set out in full.

155. That while Patient "N" was a patient at The World Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during the months of August, 1995, and March, 1996, an individual by the name of Ronald Bennett, aka, Dr. Ronald Bennett, practiced medicine on Patient "N".

156. That Ronald Bennett, aka, Dr. Ronald Bennett, was a member of the staff of the World Health Center, 1955 W. Casino Dr., Laughlin, Nevada.

157. That the practice of medicine on Patient "N" by Ronald Bennett, aka, Dr. Ronald Bennett, was done in the presence of and with the knowledge and consent of Respondent.

158. That Ronald Bennett, aka, Dr. Ronald Bennett, was not, is not, and has never been, licensed to practice medicine in the state of Nevada, and Respondent knew or should have known that Ronald Bennett, aka, Dr. Ronald Bennett was not licensed to practice medicine in the state of Nevada.

159. That Respondent as well as Patient "N", as well as members of the staff of World Health Center, 1955 W. Casino Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr. Ronald Bennett, as "Doctor Bennett".

160. That Respondent's conduct as described herein constitutes violation of NRS 630.305(5).

/////

COUNT THIRTY-FIVE

161. The allegations set forth in paragraphs 1 through 160 are incorporated herein as if set out in full.

162. That while Patient "O" was a patient at The World Health Center, 1955 W. Casino Dr., Laughlin, Nevada, during the month of October, 1995, an individual by the name of Ronald Bennett, aka, Dr. Ronald Bennett, practiced medicine on Patient "O".

163. That Ronald Bennett, aka, Dr. Ronald Bennett, was a member of the staff of the World Health Center, 1955 W. Casino Dr., Laughlin, Nevada.

164. That the practice of medicine on Patient "O" by Ronald Bennett, aka, Dr. Ronald Bennett, was done in the presence of and with the knowledge and consent of Respondent.

165. That Ronald Bennett, aka, Dr. Ronald Bennett, was not, is not, and has never been, licensed to practice medicine in the state of Nevada, and Respondent knew or should have known that Ronald Bennett, aka, Dr. Ronald Bennett was not licensed to practice medicine in the state of Nevada.

166. That Respondent as well as Patient "O", as well as members of the staff of World Health Center, 1955 W. Casino Dr., Laughlin, Nevada, referred to Ronald Bennett, aka, Dr. Ronald Bennett, as "Doctor Bennett".

167. That Respondent's conduct as described herein constitutes violation of NRS 630.305(5).

/////

COUNT THIRTY-SIX

168. The allegations set forth in paragraphs 1 through 167 are incorporated herein as if set out in full.

169. That Patient "P" was a patient at the World Health Center, 1955 W. Casino Dr., Laughlin, Nevada, in the months of April and May, 1996.

170. That Respondent performed a Phenol face peel on Patient "P" during the period Patient "P" was a patient at the World Health Center.

171. Patient "P" has had to seek, in the presence of Respondent, further medical treatment, as a result of Respondent's treatment of Patient "P" at the World Health Center.

172. That said medical treatment performed by Respondent on Patient "P" was performing services by Respondent which Respondent knew or had reason to know that he was not competent to perform.


173. That Respondent's conduct as described herein constitutes a violation of NRS 630.306(5).

WHEREFORE, the Investigative Committee of the Nevada State Board of Medical Examiners prays that the Nevada State Board of Medical Examiners conduct a hearing on this Complaint as provided by statute, and that the Nevada State Board of Medical Examiners, after such hearing, take such action as may be just and proper pursuant to Nevada Revised Statutes.

////////

1 DATED this 21st day of September, 1996.

2
3 INVESTIGATIVE COMMITTEE OF
4 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

5 By: 
6 Rex T. Baggett, M. D., Chairman
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

REX T. BAGGETT, M.D., under penalties of perjury, being first duly sworn, deposes and says:

That he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners; that he has read the foregoing Complaint and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein contained stated upon information and belief, and as to those matter he believes them to be true.



REX T. BAGGETT, M.D.

EXHIBIT

2

1 **Before The Board of Medical Examiners**
2 **of The State of Nevada**

3 *****

4
5 **In The Matter of The Complaint**
6 **Against**
7 **Donald R. Schieve, M.D.,**
8 **Respondent.**
9

Case No. 97-3194-1

NO.

FILED

12/30/97

Maureen E. Lyon
FOR EXECUTIVE DIRECTOR

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

11 The above-entitled matter came on regularly for decision before the Nevada State
12 Board of Medical Examiners, hereinafter "Board", on Saturday, December 6, 1997, at the
13 Holiday Inn - Emerald Springs, 325 E. Flamingo Road, Las Vegas, Nevada 89109 on the
14 complaint filed herein. Respondent, DONALD R. SCHIEVE, M.D., hereinafter
15 "Respondent", was not present, nor was anyone present representing Respondent.

16 The members of the Board participating in the decision were, Rex T. Baggett, M.D.,
17 Chair, Mr. Victor Scaramosino, Cheryl A. Hug-English, M.D., Paul A. Stewart, M.D., and
18 Joel N. Lubritz, M.D. Available to participate in the decision was Mr. Arne D. Rosencrantz,
19 who was absent. Participating as legal counsel to the Board was Leslie A. Nielsen, Senior
20 Deputy Attorney General. All remaining members of the Board being members of the
21 Investigative Committee which issued the complaint in this matter were excused from
22 participating and took no part in the proceedings of the Board.

23 The Board having received the Synopsis of the Hearing Officer of the hearing
24 conducted in this matter, having received a copy of the hearing transcript, and being
25 provided with the complaint and exhibits in this matter, and having reviewed all the above
26 proceeded to make a decision pursuant to the provisions of NRS 630.352.

27 The Board after due consideration of the record, evidence and law, and being fully
28

1 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW AND
2 ORDER as follows:

3 **FINDINGS OF FACT**

4 **I.**

5 Respondent is licensed in inactive status to practice medicine in the state of Nevada,
6 and at all times alleged in the complaint on file herein, was so licensed by the Board.

7 **II.**

8 A complaint was filed on August 29, 1997, against Respondent alleging a violation
9 of Chapter 630 of the Nevada Revised Statutes, as follows:

10 That Respondent was ordered, pursuant to stipulation, on December 7, 1996, to pay
11 the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) to the Board as
12 and for all administrative expenses incurred in the investigation and hearing preparation
13 process in case number 96-3194-1, filed September 25, 1996. Said payment was to be
14 made on the date of the Order, December 7, 1996.

15 That as of the date of this complaint - August 29, 1997 - Respondent had paid a total
16 of FIVE HUNDRED DOLLARS (\$500.00) of the total sum of SEVEN THOUSAND FIVE
17 HUNDRED DOLLARS (\$7,500.00) ordered to be paid in case number 96-3194-1.

18 That said failure to pay the sum of SEVEN THOUSAND DOLLARS (\$7,000.00) is a
19 willful failure to comply with an order of the board, a violation of NRS 630.3065(2)(a).

20 **III.**

21 The Board finds the allegations of the complaint have been proven by clear and
22 convincing evidence, that Respondent, as of the date of the filing of this complaint - August
23 29, 1997, had paid only FIVE HUNDRED DOLLARS (\$500.00) of the total of SEVEN
24 THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) ordered to be paid in case number 96-
25 3194-1, a violation of NRS 630.3065(2)(a).

26 **IV.**

27 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of
28

1 Law, it may be so construed.

2 **CONCLUSIONS OF LAW**

3 I.

4 The Board has jurisdiction over Respondent.

5 II.

6 Respondent was properly served with notice of hearing before the Hearing officer.

7 III.

8 Respondent has violated the provisions of NRS 630.3065(2)(a), by, as of the date of
9 the filing of this complaint - August 29, 1997 - having not paid SEVEN THOUSAND
10 DOLLARS (\$7,000.00) of the SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)
11 Ordered to be paid in case number 96-3194-1.

12 IV.

13 Respondent is Guilty of not paying SEVEN THOUSAND DOLLARS (\$7,000.00) of the
14 total of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) as of the date of the
15 filing of the complaint - August 29, 1997 - Ordered to be paid in case number 96-3194-1.

16 V.

17 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact,
18 it may be so construed.

19 **ORDER**

20 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
21 appearing therefor,

22 IT IS HEREBY ORDERED that:

23 RESPONDENT'S license to practice medicine in the state of Nevada is REVOKED.

24 DATED this 16th day of December, 1997.

25 NEVADA STATE BOARD OF MEDICAL EXAMINERS

26 By: 
27 REX T. BAGGETT, M. D.
28 President

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3

5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

EXHIBIT

3



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MEDICINE
P.O. BOX 2649
HARRISBURG, PA 17105
717-783-1400
717-787-2381

February 17, 1998

HATTIE JOHNSON
ENFORCEMENT ANALYST
DISCIPLINE CORDINATION UNIT
MEDICAL BOARD OF CALIFORNIA
1426 HOWE AVENUE SUITE 93
SACRAMENTO CA 95825-3236

RE: Donald Reynolds Schieve, MD

TO WHOM IT MAY CONCERN:

As custodian of the records of the State Board of Medicine,
I certify that the enclosed copy of the Adjudication and Order
issued in the matter of Donald Reynolds Schieve, M.D., is a true
and correct copy of the original on file in the Board office.

Cindy L. Warner, Administrator
Chief, Physician/Podiatrist Unit

CLW

(SEAL)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE BOARD OF MEDICINE

ACT 24 01 03 PM 01
COSTA 11 03 PM 01

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

v.

Donald Reynolds Schieve, M.D.,
Respondent

Docket No. 0241-49-97
File No. 1997-49-01524

ADJUDICATION AND ORDER

DATE DISTRIBUTED 6/27/97
PROSECUTION Candy
COUNSEL _____
BY EXAM _____

John F. Alcorn
Chief Hearing Examiner

124 Pine Street
Harrisburg, PA 17101
(717) 772-2686

HISTORY

This matter comes before the hearing examiner for the State Board of Medicine (Board) on an order to show cause (OSC) filed May 7, 1997, alleging that Donald R. Schieve, M.D., (Respondent) is subject to disciplinary action under section 41(4) of the Medical Practice Act of 1985 (MPA), Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §422.41(4), as a result of disciplinary action taken against his license to practice medicine in another state.

On October 15, 1997, the Commonwealth filed a motion for default and to deem facts admitted (MDFA) in accordance with the General Rules of Administrative Practice and Procedure at 1 Pa. Code §35.37.¹ Respondent did not submit an answer to either of the above pleadings.

¹Section 35.37 of the General Rules of Administrative Practice and Procedure provides in pertinent part as follows:

Any person upon whom, an order to show cause has been served . . . shall, if directed to do so, respond to the same by filing within the time specified in said order an answer in writing. . . . Mere general denials of the allegations of an order to show cause . . . will not be considered as complying with this section and may be deemed a basis for entry of a final order without hearing, unless otherwise required by statute, Any respondent failing to file an answer within the time allowed shall be deemed in default, and all relevant facts stated in the order to show cause may be deemed admitted .

FINDINGS OF FACT

1. Respondent holds a license to practice medicine and surgery in the Commonwealth of Pennsylvania, license no. MD-028226-E, which was active through December 31, 1988. (Board records)
2. At all times pertinent to the Factual Allegations, Respondent held a license to practice medicine and surgery in the Commonwealth of Pennsylvania.
3. The Respondent's last known address on file with the Board is 1195 Pineview Drive, Morgantown, West Virginia 26505 and his current address is 1800 Highway 95 #4, Bullhead City, Arizona 86442. (OSC, paras. 4-5)
4. The OSC was sent to Respondent at his current address via certified mail, return receipt requested on May 7, 1997 and via first class mail on May 12, 1997. (OSC, Certificates of Service)
5. The return receipt was returned to the Bureau signed. (MDFA, Exhibit "A")
6. The MDFA was filed on October 15, 1997 and served on Respondent by first class mail at his current address. (MDFA, Certificate of Service)
7. On December 7, 1996, the Board of Medical Examiners of the State of Nevada revoked the Respondent's medical license. The revocation is stayed and Respondent is placed on probation for a term of five years with terms and conditions, including that he cannot engage in the practice of medicine in the State of Nevada during his probationary period and imposed a \$7,500 penalty. (OSC, para. 7)
8. Respondent did not file an answer to the OSC and did not respond to the MDFA.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Finding of Fact No. 1)
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with Administrative Agency Law, 2 Pa. C.S. §504. (Findings of Fact Nos. 4-6)
3. Respondent violated section 41(4) of the MPA, 63 P.S. §422.41(4) in that disciplinary action was taken against his license to practice medicine in Nevada by the Board of Medical Examiners of the State of Nevada. (Finding of Fact No. 7)
4. The Board is authorized to impose disciplinary or corrective measures or a civil penalty pursuant to section 42 of the MPA, 63 P.S. §422.42.

DISCUSSION

Motion for default

The OSC was sent to Respondent by certified mail and first class mail on May 7, 1997 and May 12, 1997 respectively to Respondent's current address. Respondent received the OSC as evidenced by the signed return receipt Form 3811. On October 15, 1997, the MDFA was sent to Respondent at the same address.

In the Notice attached to the OSC, Respondent was notified that formal disciplinary action had been instituted against him and that he may lose his license to practice medicine and surgery. Respondent was directed to file an answer to the allegations in the OSC, and advised that if he did not file an answer to those allegations, disciplinary action may be taken against him without a hearing.

Under a section captioned "Procedures" in the OSC, Respondent was ordered to file a written answer to the OSC within 30 days, and advised that failure to do so would result in issuance of an order imposing a penalty against his license to practice medicine and surgery in the Commonwealth.

Nevertheless, Respondent filed neither an answer to the OSC nor a response to the MDFA. Respondent is therefore in default in accordance with 1 Pa. Code §35.37, which provides in pertinent part as follows:

Answers to orders to show cause.

Any person upon whom an order to show cause has been served . . . shall, if directed so to do, respond to the same by filing within the time specified in the order an answer in writing. . . . A respondent failing to file an answer within the time allowed shall be deemed in default, and relevant facts stated in the order to show cause may be deemed admitted.

Accordingly, under 1 Pa. Code §35.37, the Commonwealth's motion for default is granted and the allegations in the OSC are deemed admitted.

Violations

This action is brought under the MPA at 63 P.S. §422.41(4), which provides as follows:

§422.41. Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

(4) Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken, . . . by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government.

The Commonwealth charged in its OSC that on December 7, 1996, the Board of Medical Examiners of the State of Nevada revoked Respondent's medical license, with the revocation stayed in favor of five years probation with conditions. This disciplinary action taken against the Respondent's license to practice medicine by the State of Nevada establishes that Respondent violated the MPA, 63 P.S. §422.41(4).

Included in the terms and conditions of Respondent's probation in Nevada is the condition that he not engage in the practice of medicine during his probationary period as well as a \$7,500 penalty. The State Board of Medicine has a duty to protect the health and safety of the public. Respondent's Pennsylvania license expired in 1988 and has not been reviewed since that

time. He has elected not to defend this case in Pennsylvania. Based upon the above findings of fact, conclusions of law and discussion, and in the absence of mitigation, the following order will issue.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

v.

Donald R. Schieve, M.D.
Respondent

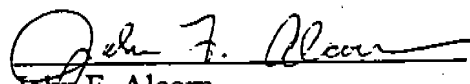
Docket No. 0241-49-97
File No. 1997-49-01524

ORDER

NOW, this 27th day of October, 1997, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is hereby **ORDERED** that the license issued to Respondent, Donald R. Schieve, M.D., license no. MD-028226-E, is **REVOKED**.

Respondent shall relinquish his licensure documents on or before the effective date of this order to Board Counsel, State Board of Medicine, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649.

This order shall take effect 20 days from the date of mailing.


John F. Alcorn
Chief Hearing Examiner

Respondent: Donald R. Schieve, M.D.
1800 Highway 95 #4
Bullhead City, AZ 86442

For the Commonwealth: Kathleen Klett Ryan
Bureau of Professional and
Occupational Affairs
116 Pine Street, P.O. Box 2649
Harrisburg, PA 17105-2649

Date of Mailing: October 27, 1997